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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,777	06/27/2003	Benjamin Gross	2190.002USU	8125
<div>7590 07/23/2007 Charles N.J. Ruggiero Ohlandt, Greeley, Ruggiero &amp; Perle, L.L.P. One Landmark Square, 10th Floor Stamford, CT 06901-2682</div>			<div>EXAMINER BASHORE, WILLIAM L</div> <div>ART UNIT 2176</div> <div>PAPER NUMBER</div>	
			<div>MAIL DATE 07/23/2007</div> <div>DELIVERY MODE PAPER</div>	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/608,777

Applicant(s)

GROSS ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,15,16 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,15,16 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>6/1/2007</u> .                           |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                          |

### DETAILED ACTION

1. This action is responsive to the following communications: Request for Reconsideration (hereinafter the Request) filed 7/6/2007.
2. Claims 1-4, 6-7, 15-16, and 22 currently pending. Claims 5, 8-14, 17-21, 23 have been canceled. Claim 1 is independent.
3. It is to be noted that two independent sets of rejections under 35 USC 103(a) are applied to the instant claims. First set begins at paragraph 6. Second set begins at paragraph 7.

#### *Claims Rejection – 35 U.S.C. 112, Second Paragraph*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-4, 6-7, 15-16, 22** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation “a young child.” Claims 2-4, 6-7, 15-16, and 22 inherit the rejection by its dependence from claim 1.

The term “*young child*” is not expressly defined and, as disclosed and as used in the claims, may vary in definition from one age to another, as well as vary according to culture, generation, biology, and religion. The metes and bounds of the term “young child” are indefinite.

For the purposes of examination on the merits, the following rejections are based upon a possible interpretation of a young child as a “child”.

***Claims Rejection – 35 U.S.C. 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-4, 6-7, 15-16, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squilla et al. (U.S. Patent 6,362,900, filed in 1998 [hereinafter “Squilla”]), in view of Engel (U.S. Patent 4,714,275, filed in 1986 [hereinafter “Engel”]), and in view of Alspaw et al (hereinafter Alspaw), U.S. Patent No. 5,816,730 issued October 1998.**

**Regarding Independent claim 1**, Squilla teaches a method of constructing (self publishing) a photo album (Squilla Abstract). A plurality of adhesive stickers reflective of themes (e.g. a user’s birthday, etc.) are peeled off and positioned onto a plurality of blank pages (Squilla column 2 lines 60 to column 3 line 39, also column 4 lines 25-38, column 6 lines 22-35, column 7 lines 15-23, 47-67 especially column 7 line 52 “blank pages”).

Squilla teaches its invention in the form of either a book, or a “booklet” with a plurality of pages (Squilla column 8 lines 8-28). Squilla also teaches an embodiment of a “game box”, containing album layout books, sticker pads, pictures, etc. for the purpose of creating a photo album less tedious and more like a game (i.e. a creative game played by young children, etc.) (see Squilla column 8 lines 44-60, Figure 9). In this fashion, a user creates a book with a personalized and customized theme.

Squilla does not specifically disclose its invention to be used by a “*young child*”, nor does it forcefully disclose its themes as “*stories*”. However, Engel teaches creation of a sticker book by a child creating a story (see Engel, column 1 lines 5-68, col. 4, lines 6-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Engle to Squilla, providing Squilla the benefit of storybook creation via its

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game box embodiment by people of all ages, including young children.

Squilla teaches pages (Squilla at least the Abstract). Squilla does not specifically teach “*wherein the plurality of pages are of a rigid and durable paper;*”. However, Alspaw teaches a rigid and durable paper (Alspaw column 5 lines 9-25, column 6 lines 5-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Alspaw to Squilla, providing Squilla the benefit of a book suitable for rough usage by a child.

**In regard to dependent claim 2**, Squilla teaches graphic sticker sheets used by a user for customization (Squilla Abstract).

**In regard to dependent claims 3, 4**, Squilla does not specifically teach a matingly conforming clear protective cover for labels. However, Alspaw teaches laminating paper sheets accordingly (Alspaw column 5 lines 6-32). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Alspaw to Squilla, providing Squilla the benefit of a protective cover to protect against rough usage.

**In regard to dependent claim 6**, Squilla teaches various software (i.e. submission of film to a processor for conversion into sticker sheets, etc.) for initially transforming photos into stickers for placement, as well as submitting a book for final processing (Squilla at least column 6 lines 58-67). Squilla’s software is at least associated with the determining process.

**In regard to dependent claim 7**, Squilla teaches a book creation method using affixed stickers (Squilla at least Abstract).

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**In regard to dependent claim 15**, claim 15 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

**In regard to dependent claim 16**, Squilla teaches various software (i.e. submission of film to a processor for conversion into sticker sheets, etc.) for initially transforming photos into stickers for placement, as well as submitting a book for final processing (Squilla at least column 6 lines 58-67). Squilla's software is at least associated with the customizing process.

**In regard to dependent claim 22**, Squilla does not specifically teach a matingly conforming clear protective cover for labels. However, Alspaw teaches laminating paper sheets accordingly (Alspaw column 5 lines 6-32). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Alspaw to Squilla, providing Squilla the benefit of a protective cover to protect against rough usage.

7. **Claims 1-2, 6-7, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin (U.S. Patent 6,116,906, filed in 1998 [hereinafter "Rifkin"]), in view of Engel (U.S. Patent 4,714,275, filed in 1986 [hereinafter "Engel"])**, wherein Rifkin recites that it was well known in the art at the time of the Rifkin invention of printing user selected designs onto adhesive paper to be used like conventional stickers, and Engel recites that the it was well known in the art at the time of the Engel invention to mount stickers in albums.

**Regarding Independent claim 1**, Rifkin in view of Engel teaches:

*A method of self-publishing a customized book by a user, said method comprising:*

*providing a board book having a plurality of blank pages;*

*determining creative content for inclusion in said board book, wherein said creative content can*

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*be any content, size, color or any combinations thereof;*

(See, Rifkin, col. 1, lines 19-22: “Desktop publishing may be obtained from a number of software providers which is used by the computer to create images at the user’s selection upon the display monitor which are then passed to the printer for a hard copy of the selected design.”)

*wherein the plurality of pages are of a rigid and durable paper;*

The additional limitation of the page thickness is not disclosed in the specifications as being inventive. The disclosure discusses a preference for a certain thickness of paper, not as a part of the invention, but rather as part of the workpiece and as an obvious design choice to accommodate rough usage by children. See, page 5, lines 2-4: “The pages of board book 100 may be about 14 millimeters (mils) thick. Other thicknesses of material may be used.” The selection of any certain thickness of paper or “durable pressed paper” would have been an obvious design consideration to one of ordinary skill in the art at the time the invention was made. A change in size is generally recognized as not being sufficient to patentably distinguish over the prior art. *In re Rose*, 105 USPQ 237 (CCPA 1955). The use of thicker paper in the book for the application of stickers is a mere design consideration.)

*a young child.*

(See Engel, col. 4, lines 6-21, teaching use of the invention by a child. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Engle to Rifkin, providing Rifkin the benefit of use by people of all ages, including young people.)

*disposing at the discretion of the user at least a portion of said creative content on an adhesive label, of wherein said at least a portion of said creative content disposed on said adhesive label is fully customizable; and*

(See, Rifkin, col. 1, lines 33-42: “While originally such [computer and printer] systems were used entirely to



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print images upon paper, in recent years it has been found equally advantageous to print images upon a peel-off sticker bearing media. Thus, sheets of paper shaped in accordance with standard sheet sizes are supported adhesively upon an impervious carrier similar to conventional peel-off stickers. As these sticker sheets are passed through the printer, selected images are placed upon the stickers at the appropriate location by the desktop publishing software.”)

*affixing said adhesive label to at least a portion of a page of said plurality of pages of said board book in any formal and/or arrangement desired by the user, wherein said steps of obtaining, said determining, and affixing are performed under the direct control of the user so that said board book is customized in creative content and format and/or arrangement to create a story by the user into the customized book.*

(See, Engel, col. 1, lines 16-17: “A popular hobby with children is collecting theme stickers and mounting them in an album.”

Rifkin teaches that it was known in the art to use of a computer and computer program for the selection of matter to be printed onto an adhesive label page and the use of a printer to produce such labels. Specifically, Rifkin teaches creating customizable stickers on a computer and printing them out and affixing the resulting label or sticker to a toy. Rifkin does not disclose that it was well known to place such stickers in a book.

Engel teaches that affixing stickers to books was well known by those of ordinary skill in the art at the time of the invention. Engel does not specifically teach obtaining creative content for those stickers from a computer and disposing that creative content onto stickers using the computer’s printer.

In combination, the teachings of Engel and Rifkin would result in selection of creative material from a computer using software to manipulate such images, disposing that material to an adhesive label using a computer and attached printer, printing out the label, and affixing the label or sticker to a page of a book.

One of ordinary skill in the art at the time of the invention facing the problem of creating stickers with a computer in order to place those stickers in a book would be motivated to combine Engel and Rifkin. Both Engel and Rifkin are related patents dealing with uses of adhesive labels relating to children and children’s



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games and it would be obvious to one of ordinary skill in the art to combine the teachings Rifkin to use a computer to print out stickers with the teachings of Engel recognizing that it was old in the art to place stickers in a book. The resultant combination would be the selection of content from a program on the computer, creation of one or more stickers on the computer, printing out the stickers onto adhesive backed paper sheets, and placing the resultant stickers on one or more pages in a book.)

Regarding **dependent claim 2, as currently amended**, Rifkin in view of Engel teaches:

*The method of claim 1, wherein said creative content is selected from the group consisting of a text file, a graphics file, a video file, a web page, an audio file, the user, and any combinations thereof.*

(A child collecting stickers and affixing them to the album would be the user. See, Engel, col. 1, lines 16-17.). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Engel to Rifkin, providing Rifkin the benefit of graphic stickers for children.

Regarding **dependent claim 6**, Rifkin in view of Engel teaches:

*The method of claim 1, wherein said determining is accomplished using a software module compatible with said creative content obtained for inclusion in the customized book.*

(The creation, disposition, and affixing of labels to a page on a book is taught by Rifkin in view of Engel as discussed under the 35 U.S.C. 103 rejection claim 1 above. Specifically, Rifkin recites that it was well known by one of ordinary skill in the art at the time of the invention to use computer software to create user customized content to be printed on stickers. See, Rifkin, col. 1, lines 19-24 and 33-36: "Desktop publishing software may be obtained from a number of software providers which is used by the computer to create images at the user's selection upon the display monitor which are then passed to the printer for a hard copy of the selected design. \*

\* \* While originally such systems were used entirely to print images upon paper, in recent years it has been found equally advantageous to print images upon a peel-off sticker bearing media.")

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Regarding **dependent claim 7**, Rifkin in view of Engel teaches:

*The method of claim 1, wherein the customized book has, in total, a plurality of said adhesive labels affixed to a plurality of said pages of said book.*

(The creation, disposition, and affixing of labels to a page on a book is taught by Rifkin in view of Engel as discussed under the 35 U.S.C. 103 rejection claim 1 above. The additional limitation of affixing a plurality of adhesive labels onto a plurality of pages of a book is not disclosed in the specifications as being inventive. The decision to affix one or many stickers on one or many pages of a book would have been an obvious design consideration to one of ordinary skill in the art at the time the invention was made.)

Regarding **dependent claim 15, as currently amended**, Rifkin in view of Engel teaches:

*The system of claim 10, wherein said user customizes a layout and/or format, and said extent of said adhesive label, according to said user's preferences.*

(The creation, disposition, and affixing of labels to a page on a book is taught by Rifkin in view of Engel as discussed under the 35 U.S.C. 103(a) rejection claim 10 above. It is noted that claim 1 reads on preparation of such a label for affixing to a page in a book includes a label or sticker that is drawn or colored upon by the user. By common sense, such label is creative content that is customized as to substance, layout, and extent according to the user. Therefore, combining the teachings of Rifkin in view of Engel to obtain a sticker or label, draw or color upon it, and affix it to a page in a book were all well known by one of ordinary skill in the art at the time of the invention.)

Regarding **dependent claim 16, as currently amended**, Rifkin in view of Engel teaches:

*The system of claim 15, wherein said customizing is accomplished with the aid of a software module compatible with said creative content obtained for inclusion in said board book.*

(The creation, disposition, and affixing of labels containing a user's preferences to a page on a book is taught by Rifkin in view of Engel as discussed under the 35 U.S.C. 103(a) rejection claim 15 above. See, Rifkin, col. 1,

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lines 19-23 reciting that the use of software to create and print was known in the art at the time of the Rifkin invention, stating: “Desktop publishing software may be obtained from a number of software providers which is used by the computer to create images at the user’s selection upon the display monitor which are then passed to the printer for a hard copy of the selected design.”)

8. **Claims 3, 4, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rifkin in view of Engel as applied to claims 3 and 4 above, and in further in view of Smith, “Reproducible Mini Books for Emergent Readers,” copyrighted 1998 & 1999 [hereinafter “Smith”].**

Regarding **dependent claim 3**, Rifkin in view of Engel in further view of Smith teaches:

*The method of claim 1, further comprising disposing a clear protective covering over said adhesive label affixed to at least a portion of said page, wherein said at least a portion of said creative content disposed on said label is visible through said protective covering.*

(See, Smith, page 1: “Enlarge the pictures and text, color them, glue them to construction paper, and laminate them to make a Big Book for Shared Reading . . .”)

The creation, disposition, and affixing of labels to a page on a book is taught by Rifkin in view of Engel as discussed under the 35 U.S.C. 103(a) rejection claim 10 above. Although Smith does teach using adhesive stickers to affix the pictures to the book pages prior to lamination, it would have been obvious to one of ordinary skill in the art at the time of the invention to enlarge the pictures by photocopying or computer printing onto widely commercially available adhesive paper and to then cut the pictures out and affix the adhesive to the page. The office takes official notice that adhesive backed paper in standard sizes that was could be photocopied and printed on by a computer was commonly commercially available to one of ordinary skill in the art at the time of the invention. One of ordinary skill in the art who was preparing a book, such as that for a child or for scrap booking, would know to combine Rifkin Engel and Smith in that they all deal with low technology preparation

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of such books. By combining Rifkin and Engel with Smith and the obvious printing to adhesive paper prior to affixing and laminating, the result would have been selection of creative matter to be disposed to a label, disposing such matter to the label and affixing at least a portion of that label or adhesive page to a page in a book, and then laminating the book page.)

Regarding **dependent claim 4**, Rifkin in view of Engel in further view of Smith teaches:

*The method of claim 3, wherein said protective covering matingly conforms at least to said adhesive label.*

(The lamination process is taught as discussed under the 35 U.S.C. 103 rejection claim 3 above. The claimed further limitation by use of an adhesive or heat set clear laminate to “matingly conform” would have been obvious to one of ordinary skill in the art. The office takes official notice that it that lamination of a book page may include use of clear adhesive laminates such as by clear plastic shelf liner, commercial laminates such as for scrapbook use, or other adhesive or heat set laminates, all of which laminates were commonly commercially to one of ordinary skill in the art at the time of the invention. Such choice of laminates over lamination by insertion in a plastic sheet protector or other laminate would be a mere design choice between equivalents known by one of ordinary skill in the art at the time of the invention. Additionally, Substitution of adhesive or heat-set lamination over lamination by insertion is a mere substitution of art recognized equivalents. Further, the office takes official notice that it was well known to one of ordinary skill in the art at the time of the invention that the use of thin adhesive and heat-set laminate sheets would result in a lamination that matingly conformed to anything affixed to a page.)

Regarding **dependent claim 22**, Rifkin in view of Engel and further in view of Smith teaches:

*The method of claim 21, wherein each page of said plurality said pages has a paper core coated with a film laminate of about 3 mils on each side of said page for a page thickness of about 12 mils to about 18 mils.*

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(Rifkin in view of Engle teaches or suggests the limitations of claim 21. Rifkin in view of Engel does not expressly teach or suggest pages with a paper core coated with a film laminate of about 3 mils on each side of the page for an overall page thickness of about 12 mils to about 18 mils.

Smith teaches to: “enlarge the pictures and text, color them, glue them to construction paper, and laminate them to make a Big Book . . .” See, Smith, page 1, bottom paragraph.

The Examiner takes official notice of the fact that gluing pictures and paper containing text to construction paper will result in a page of varying thickness, but also one of substantial thickness that would be in the range of about 6 to 12 mils thick. The Examiner also takes official notice that laminate in a wide range of thicknesses, including of about 3 mils thickness, is commonly available on the commercial market for use in laminating paper products. It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined construction paper with objects glued on it with a laminate of about 3 mils thickness on each side to result in a page of about 12 to 18 mils overall thickness for purposes of stiffening and protecting pages in a hand made children’s book. Smith teaches the lamination of the pages. The resulting thickness from the lamination is inherent in the thickness of the products used and is inherent in the use of commonly available products when used for the lamination.)

### ***Response to Arguments***

9. Applicants’ arguments filed 11/3/2006 have been fully and carefully considered, but they are not persuasive.

Applicant argues on page 5 of the Request that the claimed “story” is not indefinite, and that the examiner ignores the clear meaning of “story” as defined in a dictionary. This argument is currently moot, however, the examiner respectfully maintains that Engel teaches a “story”. Squilla also at least suggests this in column 1 lines 45-56.

Applicant essentially argues the same argument with respect to the claimed “young child”. It is unclear

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what the age range of a child (especially a young child) is. Although Applicant references Attachment 2, the phrase is still highly subjective, and can vary not only with respect to biological reference, but also according to culture, and religion as well.

Regarding rejections of **claims 1, 2, 4, 6** under 35 U.S.C. 103(a): Applicants argue that Rifkin in view of Engel fails to teach or suggest the limitations of claim 1, and, by their dependency, also fails to teach or suggest the limitations of claims 2, 4, 6. The Examiner respectfully disagrees.

First: Applicants argue against the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See, *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Second: Applicants argue that Rifkin in view of Engel fail to teach or suggest: “(1) determining creative content for inclusion in said board book,”. It is noted that as specified in claim 1, “creative content can be any content, size, color or any combination thereof.” As specified in claim 1, “creative content” is virtually anything. See, Rifkin, col. 3, lines 6-11, teaching printing an image on a sticker.

Third: Applicants argue that Rifkin in view of Engel fail to teach or suggest: “(2) affixing said adhesive label to at least a portion of a page of said plurality of pages of said board book in any format and/or arrangement desired by the user.”. It is noted that the limitation recites in pertinent part: “in any format and/or arrangement desired by the user”. The Examiner takes official notice of the fact that placing stickers on a blank page in any format or arrangement desired by the one placing the stickers is well known by one of ordinary skill in the art for purposes of ordering, displaying, or merely disposing the stickers for the enjoyment of peeling stickers from the backing sheet and sticking them to a surface.

Fourth: Applicants argue that Rifkin in view of Engel fail to teach or suggest: “(3) the steps of obtaining, determining, and affixing performed under the direct control of the user so that said board book is customized in creative content and format and/or arrangement to create a story by the user into the customized book.”. It is noted that the limitation: “determining . . . so that said board book is customized in creative content



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and format and/or arrangement to create a story by the user into the customized book”.

It is noted that the claim specifies that a person place one or more stickers on a blank page such that it represents a story to that person. The Examiner takes official notice of the fact that placing stickers on a blank page such that it represents meaning such as a story to the person placing the sticker is well known by one of ordinary skill in the art for purposes of representing graphic elements in a story. It is noted that there is no requirement in the claim that the story be expressed anywhere other than the mind of the person placing the stickers. It would have been obvious to one of ordinary skill in the art at the time of the invention to place one or more objects on a blank page to tell a story, such as photos in a photo album, or stickers of children’s storybook or cartoon characters.

Regarding rejections of **claims 15-16** under 35 U.S.C. 103(a): Applicants argue that Rifkin in view of Engel fails to teach or suggest the limitations of claim 10, and, by their dependency, also fails to teach or suggest the limitations of claims 11-17 and 19. The Examiner disagrees.

First: Applicants argue against the references individually. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See, *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Second: Applicants argue that Rifkin in view of Engel fail to teach or suggest: “(1) determining creative content for inclusion in said board book,”. It is noted that as specified in claim 1, “creative content can be any content, size, color or any combination thereof.” As specified in claim 1, “creative content” is virtually anything. See, Rifkin, col. 3, lines 6-11, teaching printing an image on a sticker.

Third: Applicants argue that Rifkin in view of Engel fail to teach or suggest: “(2) affixing said adhesive label to at least a portion of a page of said plurality of pages of said board book in any format and/or arrangement desired by the user.”. It is noted that the limitation claims in pertinent part: “in any format and/or arrangement desired by the user”. The Examiner takes official notice of the fact that placing stickers on a blank page in any format or arrangement desired by the one placing the stickers is well known by one of ordinary skill



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in the art for purposes of ordering, displaying, or merely disposing the stickers for the enjoyment of peeling stickers from the backing sheet and sticking them to a surface.

Fourth: Applicants argue that Rifkin in view of Engel fail to teach or suggest: “(3) the steps of obtaining, determining, and affixing performed under the direct control of the user so that said board book is customized in creative content and format and/or arrangement to create a story by the user into the customized book.”.

It is noted that the limitation claim in pertinent part: “determining . . . so that said board book is customized in creative content and format and/or arrangement to create a story by the user into the customized book”. It is noted that the claim specifies that a person place one or more stickers on a blank page such that it represents a story to that person. The Examiner takes official notice of the fact that placing stickers on a blank page such that it represents meaning such as a story to the person placing the sticker is well known by one of ordinary skill in the art for purposes of representing graphic elements in a story. It is noted that there is no requirement in the claim that the story be expressed anywhere other than the mind of the person placing the stickers. It would have been obvious to one of ordinary skill in the art at the time of the invention to place one or more objects on a blank page to tell a story, such as photos in a photo album, or stickers of children’s storybook or cartoon characters.

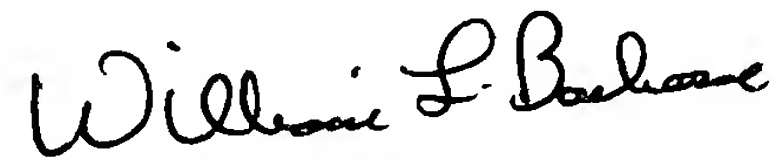
### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**WILLIAM BASHORE  
PRIMARY EXAMINER**

July 21, 2007